

# ORDINANCE 1585

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO CODE ENFORCEMENT, AND SPECIFICALLY REPEALING NORTH BEND MUNICIPAL CODE CHAPTER 1.20 ENTITLED “GENERAL PENALTY” AND ADOPTING A NEW CHAPTER 1.20 TO BE ENTITLED “CODE ENFORCEMENT”; REPEALING NORTH BEND MUNICIPAL CODE CHAPTER 20.10 AND SECTION 18.32.040; AMENDING NORTH BEND MUNICIPAL CODE SECTIONS 8.08.050, 8.20.120, 8.26.150, 8.38.080, 12.08.090, 12.12.060, 13.36.340, 13.36.350, 15.08.020, 15.36.160, 16.08.170, 17.08.170, 18.32.010, 18.32.030, 19.10.260, 19.24.040, AND 19.24.060; ADOPTING A NEW NORTH BEND MUNICIPAL CODE SECTION 20.01.007; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of North Bend seeks to promote the public health, safety, and general welfare of the municipality and the safe, orderly, and healthful development of the City; and

**WHEREAS**, in the interest of the public health, safety, and welfare, the City desires to clarify and revise the code enforcement provisions of the North Bend Municipal Code (“NBMC”) to govern the enforcement of civil code violations; and

**WHEREAS**, numerous additional housekeeping amendments are necessary in order to implement the new code enforcement provisions;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Repealer:** North Bend Municipal Code Chapter 1.20 (General Penalty) is hereby repealed in its entirety.

**Section 2. Repealer:** North Bend Municipal Code Chapter 20.10 (Land Use Violations) is hereby repealed in its entirety.

**Section 3. Repealer:** North Bend Municipal Code Section 18.32.040 (Appeal of hearing examiner decisions), is hereby repealed in its entirety.

**Section 4. New NBMC Chapter 1.20 (Code Enforcement), Adopted:** A new North Bend Municipal Code Chapter 1.20 (Code Enforcement) is hereby adopted to read as follows:

## **Chapter 1.20**

### **CODE ENFORCEMENT**

#### Sections:

- 1.20.010 Purpose.
- 1.20.020 Definitions.
- 1.20.030 Conflicting code provisions.
- 1.20.040 Applicability.
- 1.20.050 First contact.
- 1.20.060 Notice of violation.
- 1.20.070 Voluntary correction agreement.
- 1.20.080 Notice of civil infraction.
- 1.20.090 Reserved.
- 1.20.100 Monetary penalty – Civil violations.
- 1.20.110 Abatement by the city.
- 1.20.120 Interference unlawful – Misdemeanor.
- 1.20.130 Stop work orders – Emergency orders.
- 1.20.140 Violation of stop work orders or emergency orders – Misdemeanor.
- 1.20.150 Additional enforcement procedures.
- 1.20.160 Criminal violations – General penalty – Separate offense.

#### **1.20.010 Purpose.**

The purpose of this chapter is to provide city staff and the general public with notice of the procedure to be followed to enforce city regulations.

#### **1.20.020 Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or they are more specifically defined in a section or subsection. Terms not defined shall be given their usual meaning.

A. “**Abate**” means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this code or a city regulation, by such means and in such a manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health,

safety, and welfare of the community. For the purposes of this chapter, the verbs “abate” and “correct” shall be interchangeable and have the same meaning.

B. **“Act”** means doing or performing something.

C. **“City”** means the City of North Bend, Washington.

D. **“Civil penalty”** or **“monetary penalty,”** as used in any code, ordinance or regulation of the city, shall be deemed to have the same meanings as used in this chapter.

E. **“Code”** or **“NBMC”** means the North Bend Municipal Code.

F. **“Code enforcement officer”** or **“enforcement officer”** means the city’s code enforcement officer(s); the building official; building inspectors; construction inspectors; the fire marshal or his or her designee; fire inspectors; the chief of the North Bend police department or his or her designee; the director of the community development department or his or her designee; the director of the public works department or his or her designee; or any other person or persons assigned or directed by the mayor or his or her designee to enforce the regulations subject to the enforcement and penalty provisions of this chapter.

G. **“Correction date”** means a date or time by which corrective actions must be completed, as set forth in a voluntary correction agreement or notice of violation entered into or issued pursuant to this chapter.

H. **“Costs”** means, but is not limited to, personnel costs, both direct and indirect, and contract expenses incurred in abating a nuisance; a rental fee for city equipment used in abatement; hauling, storage, disposal, or destruction expenses related to abating a nuisance; legal expenses and attorneys’ fees associated with enforcement under this chapter, including civil judicial enforcement of abatement orders or in seeking abatement orders; costs incurred in documenting the violation; actual expenses and costs of the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; costs of any required printing and mailing; and any other costs incurred by the city, excluding fees and

expenses associated with appeals authorized by this code or by state law.

I. **“Day”** or **“days”** means one or more calendar days, unless expressly stated otherwise in a given section or subsection. In addition, any portion of a 24-hour day shall constitute a full calendar day.

J. **“Notice of violation”** means a written statement, issued by a code enforcement officer, which contains the information required under NBMC 1.20.060(A) and which notifies a person that he or she is responsible for one or more violations of the North Bend Municipal Code or other regulation.

K. **“Omission”** means a failure to act.

L. **“Owner”** means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land.

M. **“Person”** means any individual, firm, business, association, partnership, corporation, or other legal entity, public or private, however organized. Because “person” shall include both human beings and organizational entities, any of the following pronouns may be used to describe a person: he, she, or it.

N. **“Person responsible for the violation”** or **“responsible person”** includes the plural forms thereof and means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation; a tenant or other person having the owner’s permission to occupy the premises; or any person who created, caused, participated in, or has allowed a violation to occur.

O. **“Premises”** means the building, structure, premises, and/or land upon or within which a violation has occurred or is occurring.

P. **“Regulation”** means and includes any of the following, as now enacted or hereafter amended:

1. All North Bend Municipal Code provisions;
2. All standards, regulations, and procedures adopted by the city pursuant to a city ordinance; and
3. The terms and conditions of any permit or approval issued by the city, or any concomitant agreement entered into with the city, pursuant to code provisions.

Q. **“Repeat violation”** means, as evidenced by the prior issuance of a correction notice or a notice of violation, a subsequent violation that has occurred on the same property or that has been committed by a person responsible for the prior violation elsewhere within the City of North Bend. To constitute a repeat violation, the violation need not be the same type of violation as the prior violation. The violation of a written order of the hearing examiner that has been served as provided in this chapter shall constitute a repeat violation.

R. **“Violation”** or **“civil violation”** or **“civil infraction”** means an act or omission contrary to a regulation as defined in this section. A violation continues to exist until abated to the satisfaction of the city, and each day or any portion of a day during which a violation occurs or continues is a separate offense.

#### **1.20.030 Conflicting code provisions.**

In the event a conflict exists between the enforcement provisions of this chapter and the enforcement provisions of any international or uniform code, statute, or regulation that is adopted in the North Bend Municipal Code and subject to the enforcement provisions of this chapter, the enforcement provisions of this chapter will prevail, unless the enforcement provisions of this chapter are preempted or specifically modified by said code, statute, or regulation. In the event of a conflict between this chapter and any other provision of this code or city ordinance providing for a civil penalty, the more specific provision shall control.

#### **1.20.040 Applicability.**

The procedures set forth in NBMC 1.20.050 through 1.20.140 apply whenever a code enforcement officer determines that a violation has occurred or is occurring.

**1.20.050 First contact.**

The enforcement officer shall attempt to secure voluntary correction of the violation by contacting the property owner or other person responsible for the violation, in person, by telephone, or in writing, and, where possible, explaining the violation and requesting correction within a reasonable time on the basis of a mutual agreement.

**1.20.060 Notice of violation.**

If the violation is not corrected through mutual agreement after informal contact pursuant to NBMC 1.20.050, the enforcement officer shall issue a notice of violation to the person responsible for the violation. The following conditions and requirements apply to any notice of violation issued pursuant to this section:

A. Content. A notice of violation shall include the following:

1. The name and address of the person responsible for the violation;
2. The street address or description sufficient for identification of the premises;
3. A description of the violation and reference to the provision(s) of the city regulation(s) which have been violated;
4. The required corrective action and correction date;
5. A statement that, if the violation is not corrected by the correction date, the city may:
  - a. Assess monetary penalties pursuant to NBMC 1.20.100(A);
  - b. Issue a notice of civil infraction pursuant to NBMC 1.20.080; and

- c. Abate the unlawful condition and assess costs of abatement in accordance with NBMC 1.20.110; and

6. A statement that any penalties and costs of abatement incurred by the city pursuant to this chapter may be charged as a lien against the property and as a joint and severable personal obligation of any person responsible for the violation.

B. Service of Notice. The code enforcement officer shall serve the notice of violation upon the person responsible for the violation, either personally or by mailing a copy of the notice of violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for the violation cannot be personally served within King County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.

C. Optional Recording Procedure. The city may, at its discretion, record a notice of violation against the subject property.

D. Extension. Extensions of the correction date may be granted at the discretion of the code enforcement officer upon request by the person responsible for the violation and good cause shown.

#### **1.20.070 Voluntary correction agreement.**

In response to informal contact or a notice of violation, the person responsible for the violation may enter into a written voluntary correction agreement under which such person agrees to abate the violation within a specified time and according to specified conditions. The following conditions and requirements apply to any voluntary correction agreement entered into under this section.

A. Content. A voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the violation;
2. The street address or other description sufficient for identification of the premises;
3. A description of the violation and reference to the regulation which has been violated;
4. The necessary corrective action to be taken and the correction date;
5. An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and
6. A statement that, if the terms of the voluntary correction agreement are not satisfied, the city may abate the violation and recover its costs and expenses (including attorneys' fees, expert witness fees, and court costs) pursuant to this chapter, and may also assess monetary penalties as allowed by this chapter.

B. Extension and Modification. When unforeseen circumstances delay correction under the conditions of the voluntary correction agreement, the enforcement officer may grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation and requests such extension or modification in a writing clearly establishing the need for such an extension. Any modification to a voluntary correction agreement shall be made in a writing signed by both parties.

C. Failure to Comply. If the terms of the voluntary correction are not met:

1. The city may abate the violation and assess costs and expenses of abatement in accordance with NBMC 1.20.110; and



2. The person responsible for the violation shall be assessed a daily monetary penalty in accordance with NBMC 1.20.100(A), commencing on the correction date set by the voluntary correction agreement.

**1.20.080 Notice of civil infraction.**

**A. Issuance.**

1. When the enforcement officer is unable to secure voluntary correction or execution of a voluntary correction agreement by the correction date set forth in a notice of violation pursuant to NBMC 1.20.060(A)(4), the enforcement officer may issue a notice of civil infraction in accordance with Chapter 7.80 RCW, which is incorporated herein by this reference, to the person responsible for the violation, and shall file such notice of infraction with the North Bend Municipal Court within 48 hours of issuance, excluding Saturdays, Sundays and holidays.

2. Notwithstanding the requirements of NBMC 1.20.050 and 1.20.060, the enforcement officer may issue a notice of civil infraction to the responsible person without having attempted to secure voluntary correction or issuing a notice of violation under the following circumstances:

- a. When an emergency exists; or
- b. When a repeat violation occurs; or
- c. When the violation creates a situation or condition which cannot be corrected; or
- d. The responsible person cannot be contacted or refuses to communicate or cooperate with the city in correcting the violation.

**1.20.090 Reserved.**

**1.20.100 Monetary penalty.**

A. Penalty Amount. The monetary penalty for each violation shall not exceed \$1,000 per day; provided, that the enforcement officer may double the monetary penalty schedule if the violation is a repeat violation as defined in NBMC 1.20.020(Q). In determining the amount of the monetary penalty for repeat violations, the enforcement officer shall consider the following factors:

1. Whether the person responsible for the violation responded to staff attempts to contact the person, and cooperated to correct the violation;

2. Whether the responsible person showed due diligence and/or substantial progress in correcting the violation;

3. Whether a genuine, factual code interpretation issue exists; and

4. Any other relevant factors.

B. Continued Duty to Correct. Payment of monetary penalties pursuant to this chapter does not relieve the person responsible for the violation of the duty to correct the violation.

C. Collection of Monetary Penalty.

1. The monetary penalty constitutes a joint and severable personal obligation of the person responsible for the violation. Any monetary penalty assessed must be paid to the city within 10 calendar days from the date of a notice from the city that penalties are due. Any such monetary penalty shall further constitute a lien against the premises, in the manner as set forth in NBMC 1.20.110(E).

2. The city attorney and city staff are authorized to take all actions available at law to collect the monetary penalty.

**1.20.110 Abatement by the city.**

A. The city may abate a condition which was caused by or continues to be a violation when:

1. The terms of a voluntary correction agreement entered into pursuant to NBMC 1.20.070 have not been met; or

2. A notice of violation has been issued pursuant to NBMC 1.20.060 and the required correction has not been completed by the correction date; or

3. A citation has been issued pursuant to NBMC 1.20.080, and deemed committed by a court of competent jurisdiction; or

4. The condition is subject to summary abatement as provided for in NBMC 1.20.110(B).

B. Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety, or welfare, or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats. The city shall be entitled to recover any costs incurred for summary abatement after actual notice of same is provided to the person responsible for the violation.

C. Authorized Action by the City. Using any lawful means, the city may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek judicial process as it deems necessary to effect the removal or correction of such condition, and in the event the city must seek relief through the superior court for enforcement of a violation, the city shall be entitled to recovery of its costs and expenses of suit, including attorneys' fees and expert witness fees.

D. Recovery of Costs. The costs, as defined in NBMC 1.20.020(H), of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant, or other person entitled to control, use, and/or control of the property, and shall become due and payable to the city within 10 calendar days of the billing date. All such costs shall constitute a lien against the premises, as set forth in NBMC 1.20.110(E).

E. Lien – Authorized. The City of North Bend shall have a lien for any monetary penalty imposed and the costs of any abatement proceedings under this chapter against the real premises. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property, and shall be superior to all other liens,

except for state and county taxes, with which it shall be on a parity.

1. The code enforcement officer shall cause a claim for lien to be filed for recording within 90 days from the later of:

- a. The date that the monetary penalty is due; or
- b. The date the work is completed; or
- c. The date the nuisance is abated.

2. The claim of lien shall contain sufficient information regarding the notice of violation, as determined by the enforcement officer, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

3. Any such claim of lien shall be verified by the enforcement officer, and may be amended from time to time to reflect changed conditions.

**1.20.120 Interference unlawful – Misdemeanor.**

Any person who knowingly obstructs, impedes, or interferes with the city or its agents, or with the person responsible for the violation, in the performance of duties imposed by this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 or imprisonment in a county jail for not more than 90 days, or by both such fine and imprisonment.

**1.20.130 Stop work orders – Emergency orders.**

A. Stop Work Orders. Whenever a continuing violation of this code will materially impair the code enforcement officer's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public, the enforcement officer may issue a stop work order specifying the violation and prohibiting any work or other activity at the premises.

B. Emergency Orders. Whenever any use or activity in violation of the North Bend Municipal Code threatens the health and safety of the occupants of the premises or any member of the public, the enforcement officer may issue an emergency order directing that the use or activity be

discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible.

**1.20.140 Violation of stop work orders or emergency orders – Misdemeanor.**

A. Any violation of a stop work order or emergency order constitutes a misdemeanor, and the enforcement officer may request a police officer to take criminal enforcement measures as authorized by law, without having attempted informal contact as provided in NBMC 1.20.050 or issued of a notice of violation as provided in NBMC 1.20.060. Punishment for a misdemeanor under this section shall be a fine not to exceed \$1,000 or imprisonment in a county jail for not more than 90 days, or by both such fine and imprisonment.

B. Any violation of a stop work order or emergency order is also hereby declared to be a nuisance, and the enforcement officer is authorized to enjoin or abate such nuisance summarily by any available legal or equitable means. Costs for the injunction or abatement shall be recovered by the city in the manner provided by law from the owner, tenant, occupant, manager, agent, or other responsible person.

**1.20.150 Additional enforcement procedures.**

The provisions of this chapter are not exclusive, and may be used in addition to other lawful enforcement provisions authorized by the North Bend Municipal Code.

**1.20.160 Criminal violations – General penalty – Separate offense.**

A. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a criminal violation under the city code shall be punished by a fine of not more than \$5,000, or by imprisonment not to exceed one year, or by both such fine and imprisonment.

B. Each person shall be guilty of a separate offense for each and every day during any portion of which any criminal violation of any provision of the city code is

committed, continued or permitted by any such person, and shall be punishable accordingly.

**Section 5. NBMC 8.08.050 (Penalty for Violation), Amended:** North Bend Municipal Code Section 8.08.050 (Penalty for Violation) is hereby amended to read as follows:

**8.08.050 Penalty for violation.**

Any violation of this chapter shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 6. NBMC 8.20.120 (Violations – Penalty – Separate, continuing offense), Amended:** North Bend Municipal Code Section 8.20.120 (Violations – Penalty – Separate, continuing offense) is hereby amended to read as follows:

**8.20.120 Violations – Penalty – Separate, continuing offense.**

Any person, firm, co-partnership or corporation violating any of the provisions of this chapter shall each be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to NBMC 1.20.160. Any person convicted under this chapter who has a permit under this chapter shall have that permit revoked, and any person convicted under this chapter shall not be eligible for a retail fireworks sales permit under provisions of this chapter for a period of five years. A person or entity is guilty of a separate offense for each day during which he commits or continues a violation of any provision of this chapter.

**Section 7. NBMC 8.26.150 (Penalties), Amended:** North Bend Municipal Code Section 8.26.150 (Penalties) is hereby amended to read as follows:

**8.26.150 Penalties.**

Any violation of this chapter shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 8. NBMC 8.38.080 (Enforcement), Amended:** North Bend Municipal Code Section 8.38.080 (Enforcement) is hereby amended to read as follows:

**8.38.080 Enforcement.**

Violations of this chapter shall be enforced pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 9. NBMC 12.08.090 (Violation – Penalty), Amended:** North Bend Municipal Code Section 12.08.090 (Violation – Penalty) is hereby amended to read as follows:

**12.08.090 Violation – Penalty.**

Any violation of this chapter shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 10. NBMC 12.12.060 (Violation – Penalty), Amended:** North Bend Municipal Code Section 12.12.060 (Violation – Penalty) is hereby amended to read as follows:

**12.12.060 Violation – Penalty.**

Any violation of this chapter shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 11. NBMC 13.36.340 (Notice of Violation), Amended:** North Bend Municipal Code Section 13.36.340 (Notice of Violation) is hereby amended to read as follows:

**13.36.340 Notice of Violation.**

In addition to the remedies, liens, and procedures set out in this chapter, any violation of this chapter may be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 12. NBMC 13.36.350 (Penalty for Violation), Amended:** North Bend Municipal Code Section 13.36.350 (Penalty for Violation) is hereby amended to read as follows:

**13.36.350 Penalty for Violation.**

In addition to the remedies, liens, and penalties set out in this chapter, any violation of this chapter may be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 13. NBMC 15.08.020 (Violation – Penalties), Amended:** North Bend Municipal Code Section 15.08.020 (Violation – Penalties) is hereby amended to read as follows:

**15.08.020 Violation – Penalties.**

Any violation of this chapter shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 14. NBMC 15.36.160 (Violation – Penalty), Amended:** North Bend Municipal Code Section 15.36.160 (Violation – Penalty) is hereby amended to read as follows:

**15.36.160 Violation – Penalty.**

Any violation of this chapter shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 15. NBMC 16.08.170 (Violations – Penalty), Amended:** North Bend Municipal Code Section 16.08.170 (Violations – Penalty) is hereby amended to read as follows:

**16.08.170 Violations – Penalty.**

Any violation of this chapter shall be remedied based on the provisions as set forth in Chapter 1.20 NBMC.

**Section 16. NBMC 17.08.170 (Violations and enforcement), Amended:** North Bend Municipal Code Section 17.08.170 (Violations and enforcement) is hereby amended to read as follows:

**17.08.170 Violations and enforcement.**

Any person or entity who violates any provision of this title shall, in addition to any remedies and sanctions provided for under state law, be subject to the enforcement provisions of Chapter 1.20 NBMC.

**Section 17. NBMC 18.32.010 (Designated), Amended:** North Bend Municipal Code Section 18.32.010 (Designated) is hereby amended to read as follows:

**18.32.010 Designated.**

Any violation of this title shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 18. NBMC 18.32.030 (Building inspector – Action), Amended:** North Bend Municipal Code Section 18.32.030 (Building inspector – Action) is hereby amended to read as follows:

**18.32.030 Building inspector – Action.**

Upon the building inspector's awareness of any violation of any of the provisions of this title, the building inspector shall initiate proceedings to secure enforcement of the code set forth in Chapter 1.20 NBMC.

**Section 19. NBMC 19.10.260 (Penalty), Amended:** North Bend Municipal Code Section 19.10.260 (Penalty) is hereby amended to read as follows:

**19.10.260 Penalty.**

Any violation of this chapter shall be remedied pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 20. NBMC 19.24.040 (Enforcement), Amended:** North Bend Municipal Code Section 19.24.040 (Enforcement) is hereby amended to read as follows:

**19.24.040 Enforcement.**

Violations of this chapter shall be subject to the enforcement provisions set forth in Chapter 1.20 NBMC. Buildings and other structures subject to this chapter may be abated under the provisions of Chapter 15.26 NBMC.



Nuisance violations of this chapter may be remedied pursuant to the provisions set forth in Chapter 8.08 NBMC. The city may also take any other legally permissible action deemed necessary to enforce this chapter.

The building official is hereby authorized to enforce this chapter. The building official is authorized and directed to adopt, promulgate, amend and rescind in accordance with the municipal codes of North Bend as now or hereafter amended, administrative rules consistent with this chapter.

**Section 21. NBMC 19.24.060 (Minimum maintenance historic district revolving fund), Amended:** North Bend Municipal Code Section 19.24.060 (Minimum maintenance historic district revolving fund) is hereby amended to read as follows:

**19.24.060 Minimum maintenance historic district revolving fund.**

There is hereby created in the city treasury a special fund designated as the “minimum maintenance historic district revolving fund,” from which fund shall be paid costs and expenses incurred by the city in connection with the repair, alteration or preservation of any substandard buildings, public ways, or other properties as defined by this chapter and ordered repaired, altered or preserved, and into which fund shall be deposited:

A. Such sums as may be recovered by the city as reimbursement for costs and expenses of repair, alteration or improvement of historic buildings, structures, vacant lots and public ways found to be substandard;

B. Such sums as may be recovered by the city as reimbursement for costs, including incidental expenses, of correcting the violation as set forth in NBMC 1.20.110(D);

C. Such other sums as may by ordinance be appropriated to or designated as revenue of such fund; and

D. Such other sums as made by gift, bequest or grants be deposited in such fund.

**Section 22. New NBMC Section 20.01.007 (Land Use Violations – Enforcement), Adopted:** A new North Bend Municipal Code Section 20.01.007 (Land Use Violations – Enforcement) is hereby adopted to read as follows:

**20.01.007 Land use violations – Enforcement.**

Land use violations, including but not limited to violations of Title 17, Land Segregation; Title 18, Zoning; and Title 19, Development Standards, shall be enforced pursuant to the provisions set forth in Chapter 1.20 NBMC.

**Section 23. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 24. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3<sup>RD</sup> DAY OF MAY, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: May 11, 2016

Effective: May 16, 2016

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**Susie Oppedal, City Clerk**